

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TALAT ABDUL AKBAR,	:	
Plaintiff,	:	
vs.	:	Case No. 3:05cv00400
DUAL ACTION CLEANSE,	:	District Judge Thomas M. Rose
Defendant.	:	Magistrate Judge Sharon L. Ovington

ORDER

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, the Court **ORDERS** that:

1. The Report and Recommendations filed on November 29, 2005 (Doc. #3) is ADOPTED in full;
2. Plaintiff's Complaint is DISMISSED without prejudice;
3. Pursuant to 28 U.S.C. §1915(a), an appeal of this Order would not be taken in good faith, and consequently, Plaintiff is denied leave to appeal *in forma pauperis*. Plaintiff, a non-prisoner, remains free to apply to proceed *in forma pauperis* in the United States Court of Appeals; and
4. The case is terminated on the docket of this Court.

December 19, 2005

s/Thomas M. Rose

Thomas M. Rose
United States District Judge